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(*pro hac vice motion forthcoming*)

Attorneys for Respondent
ROSS WILLIAM ULBRICHT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Approximately 69,370 Bitcoin (BTC),
Bitcoin Gold (BTG), Bitcoin SV (BSV),
and Bitcoin Cash (BCH) seized from
1HQ3Go3ggs8pFnXuHVHRytPCq5fGG8
Hbhx,

Defendant.

Case No.: CV 20-7811 RS

Assigned to:
The Honorable Richard Seeborg:
Courtroom 3, 17th Floor

**NOTICE OF MOTION AND MOTION
FOR AN ENLARGEMENT OF TIME TO
FILE NOTICE OF A CLAIM OR
OTHERWISE RESPOND TO
PLAINTIFF'S AMENDED CIVIL
COMPLAINT; MEMORANDUM OF
POINTS AND AUTHORITIES;
DECLARATION OF DAVID
WARRINGTON; PROPOSED ORDER**

Date: February 4, 2021
Time: 1:30 p.m.
Courtroom: 3

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on February 4, 2021, at 1:30 p.m. or as soon thereafter as the matter may be heard in Courtroom 3, of the above-entitled court, located at 450 Golden Gate Avenue, San Francisco, California, Respondent Ross William Ulbricht, will and hereby does move this Court for an enlargement of time in which to file Notice of Claim or otherwise respond to Plaintiff's Amended Civil Complaint.

The Motion is brought pursuant to Fed. R. Civ. P. 6(b)(1)(A), Local Rule 7-1 and Local Rule 6-3. This Motion is based on this Notice of Motion, the attached Memorandum of Points and Authorities, the Declaration of David Warrington, the pleadings and records on file herein, and upon such oral and documentary evidence as may be presented by the parties at the hearing.

Dated: December 30, 2020

KUTAK ROCK LLP

By: /s/ Rebecca L. Wilson

Rebecca L. Wilson
Attorneys for Respondent,
ROSS WILLIAM ULBRICHT

MEMORANDUM OF POINTS AND AUTHORITIES

Pursuant to Fed. R. Civ. P. 6(b)(1)(A), Local Rule 7-1 and Local Rule 6-3, Respondent Ross William Ulbricht (“Ulbricht”), moves for an enlargement of time in which to file a notice of claim in the above-captioned Forfeiture Action and states as follows:

On November 20, 2020, the United States filed an Amended Civil Complaint (ECF No. 9) pursuant to 18 U.S.C. §§ 981(a)(1)(A), 981(a)(1)(C), 981(b), and 21 U.S.C. § 881(a)(6). [Declaration of David Warrington (“Warrington Decl.”), par. 2.]

At issue in the Forfeiture Action is the seizure of approximately 69,370 Bitcoin (BTC). [Warrington Decl., par. 3.]

On November 25, 2020, the United States caused copies of the Amended Civil Complaint and related documents as notice of the forfeiture action to be sent to Ulbricht at the United States Penitentiary, USP Tucson. [Warrington Decl., par. 4.]

Upon receipt, Ulbricht caused the notice to be sent to his counsel, David Warrington, of this firm’s Richmond, Virginia office. [Warrington Decl., par. 5.] Counsel for Ulbricht has attempted to speak with Ulbricht regarding the notice but has been unable to because USP Tucson has been on lockdown because of the COVID-19 pandemic and has been informed that Ulbricht’s counselor is on vacation until January 3, 2020. [Warrington Decl., par. 6.] Counsel has tried alternative methods of arranging a legal call with no success to date. [Warrington Decl., par. 7.] Counsel is continuing these efforts. [Id.]

Counsel for Ulbricht contacted the Government to ask whether it would agree to an extension of time for Ulbricht to file any notice of claim or otherwise respond to the Forfeiture Action, including, *inter alia*, agreeing with the Government to apply any proceeds of the forfeited property to Ulbricht’s outstanding forfeiture amount. [Warrington Decl., par. 8.]

The Government did not agree to any extension of time. [Id.]

Pursuant to Rule G(4)(b) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the deadline for filing a notice of claim in the forfeiture action is 35 days from the date the notice was sent to Ulbricht. That deadline is December 30, 2020. [Warrington Decl., par. 9.]

CV 20-7811 RS

1 Because of the COVID-19 lockdown, Ulbricht counselor's vacation, and the failure of other
2 attempts to reach Ulbricht, his counsel has been unable to advise him as to his rights and obligations
3 with regard to the Forfeiture Action. An extension of time to February 5, 2021 is requested so that
4 counsel may properly advise his client of his rights and obligations with regard to the Amended
5 Civil Complaint.

6 According to the docket, there have been no previous time modifications to the case.

7 The requested extension of time will have no effect on the schedule of the case.

8 For these reasons we hereby move for an extension of time to February 5, 2021 for Ulbricht
9 to file any notice of claim or otherwise respond to the Government's Amended Civil Complaint.

10 Dated: December 30, 2020

KUTAK ROCK LLP

11
12 By: /s/ Rebecca L. Wilson

13 Rebecca L. Wilson
14 Attorneys for Respondent,
ROSS WILLIAM ULBRICHT